



BOSTON CONNECTICUT FLORIDA NEW JERSEY NEW YORK PROVIDENCE WASHINGTON, DC

The letter motion to seal is provisionally
GRANTED. (Doc. 538.)

SO ORDERED

Dated: 9/28/2022

A handwritten signature in black ink, reading 'P. Kevin Castel'.

P. Kevin Castel
United States District Judge

January 10, 2022

ADAM K. GRANT

Attorney at Law

605 Third Avenue, 31st Floor

New York, NY 10158-1803

T: (212) 297-5803 F: (212) 499-4154

agrant@daypitney.com

VIA ECF

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *CBF Industria De Gusa, S/A, et al., v. AMCI Holdings, Inc., et al.*,
Case No. 13 -cv-2581 (PKC) (JLC)

Dear Judge Castel:

We write pursuant to Rule 5(B) of Your Honor's Individual Practices to seek leave to file with redactions and/or under seal certain documents filed in connection with Plaintiffs' motion for summary judgment and motion to preclude. Specifically, Plaintiffs seek leave to file a redacted versions of:

- Plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment;
- Plaintiffs' Rule 56.1 Statement of Undisputed Material Facts; and
- Plaintiffs' Memorandum of Law in Support of Their Motion In Limine to Preclude the Expert Testimony of PWC.
- The Declaration of Nathaniel T. Fleming dated January 10, 2022 filed in support of Plaintiffs' motion for summary judgment, and the exhibit thereto.

Plaintiffs further seek leave to file the Exhibits to Plaintiffs' Rule 56.1 Statement of Undisputed Material Facts identified in the attached Appendix A to this letter under seal.

Pursuant to the Stipulated Protective Order in place in this matter (ECF No. 120), Defendants have designated a number of exhibits and certain testimony upon which Plaintiffs intend to rely in their papers as either "Confidential" or "Restricted Confidential." Plaintiffs have serious doubts that Defendants' designations of these documents and testimony as "Restricted



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Confidential” or “Confidential” meet the exacting standard for sealing set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), and its progeny. However, in view of Defendants’ designations, paragraph 10 of the Stipulated Protective Order in place in this action requires Plaintiffs to file such exhibits and testimony under seal. Plaintiffs also request leave to file their memoranda of law and Rule 56.1 Statement of Undisputed Material Facts in redacted form insofar as they disclose information designated “Confidential” or “Restricted Confidential” by Defendants.

We thank the Court for its consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adam K. Grant'.

Adam K. Grant



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Appendix A
Exhibits Subject to Pending Motion to Seal

Defendants' Exhibit 41	Plaintiffs' Exhibit 265	Plaintiffs' Exhibit 587
Defendants' Exhibit 44	Plaintiffs' Exhibit 266	Plaintiffs' Exhibit 588
Defendants' Exhibit 50	Plaintiffs' Exhibit 268	Plaintiffs' Exhibit 589
Defendants' Exhibit 83	Plaintiffs' Exhibit 271	Plaintiffs' Exhibit 590
Defendants' Exhibit 171	Plaintiffs' Exhibit 307	Plaintiffs' Exhibit 591
Defendants' Exhibit 173	Plaintiffs' Exhibit 308	Plaintiffs' Exhibit 593
Defendants' Exhibit 181	Plaintiffs' Exhibit 309	Plaintiffs' Exhibit 594
Plaintiffs' Exhibit 10	Plaintiffs' Exhibit 313	Plaintiffs' Exhibit 597
Plaintiffs' Exhibit 11	Plaintiffs' Exhibit 314	Plaintiffs' Exhibit 598
Plaintiffs' Exhibit 12	Plaintiffs' Exhibit 315	Plaintiffs' Exhibit 599
Plaintiffs' Exhibit 14	Plaintiffs' Exhibit 316	Plaintiffs' Exhibit 600
Plaintiffs' Exhibit 15	Plaintiffs' Exhibit 319	Plaintiffs' Exhibit 601
Plaintiffs' Exhibit 16	Plaintiffs' Exhibit 321	Plaintiffs' Exhibit 603
Plaintiffs' Exhibit 17	Plaintiffs' Exhibit 340	Plaintiffs' Exhibit 605
Plaintiffs' Exhibit 18	Plaintiffs' Exhibit 341	Plaintiffs' Exhibit 606
Plaintiffs' Exhibit 19	Plaintiffs' Exhibit 347	Plaintiffs' Exhibit 607
Plaintiffs' Exhibit 20	Plaintiffs' Exhibit 348	Plaintiffs' Exhibit 608
Plaintiffs' Exhibit 20A	Plaintiffs' Exhibit 350	Plaintiffs' Exhibit 609
Plaintiffs' Exhibit 22	Plaintiffs' Exhibit 351	Plaintiffs' Exhibit 610
Plaintiffs' Exhibit 23	Plaintiffs' Exhibit 352	Plaintiffs' Exhibit 612
Plaintiffs' Exhibit 24	Plaintiffs' Exhibit 356	Plaintiffs' Exhibit 613
Plaintiffs' Exhibit 25	Plaintiffs' Exhibit 358	Plaintiffs' Exhibit 614
Plaintiffs' Exhibit 28	Plaintiffs' Exhibit 366	Plaintiffs' Exhibit 615
Plaintiffs' Exhibit 29	Plaintiffs' Exhibit 368	Plaintiffs' Exhibit 616
Plaintiffs' Exhibit 30	Plaintiffs' Exhibit 374	Plaintiffs' Exhibit 617
Plaintiffs' Exhibit 43	Plaintiffs' Exhibit 382	Plaintiffs' Exhibit 618



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Plaintiffs' Exhibit 45	Plaintiffs' Exhibit 383	Plaintiffs' Exhibit 619
Plaintiffs' Exhibit 46	Plaintiffs' Exhibit 386	Plaintiffs' Exhibit 620
Plaintiffs' Exhibit 48	Plaintiffs' Exhibit 390	Plaintiffs' Exhibit 621
Plaintiffs' Exhibit 49	Plaintiffs' Exhibit 394	Plaintiffs' Exhibit 622
Plaintiffs' Exhibit 50	Plaintiffs' Exhibit 395	Plaintiffs' Exhibit 624
Plaintiffs' Exhibit 51	Plaintiffs' Exhibit 396	Plaintiffs' Exhibit 625
Plaintiffs' Exhibit 52	Plaintiffs' Exhibit 402	Plaintiffs' Exhibit 626
Plaintiffs' Exhibit 53	Plaintiffs' Exhibit 403	Plaintiffs' Exhibit 627
Plaintiffs' Exhibit 70	Plaintiffs' Exhibit 415	Plaintiffs' Exhibit 628
Plaintiffs' Exhibit 74	Plaintiffs' Exhibit 416	Plaintiffs' Exhibit 629
Plaintiffs' Exhibit 75	Plaintiffs' Exhibit 416A	Plaintiffs' Exhibit 633
Plaintiffs' Exhibit 80	Plaintiffs' Exhibit 418	Plaintiffs' Exhibit 634
Plaintiffs' Exhibit 82	Plaintiffs' Exhibit 418A	Plaintiffs' Exhibit 635
Plaintiffs' Exhibit 120	Plaintiffs' Exhibit 432	Plaintiffs' Exhibit 636
Plaintiffs' Exhibit 124	Plaintiffs' Exhibit 438	Plaintiffs' Exhibit 637
Plaintiffs' Exhibit 125	Plaintiffs' Exhibit 442	Plaintiffs' Exhibit 638
Plaintiffs' Exhibit 127	Plaintiffs' Exhibit 446	Plaintiffs' Exhibit 639
Plaintiffs' Exhibit 128	Plaintiffs' Exhibit 470	Plaintiffs' Exhibit 640
Plaintiffs' Exhibit 129	Plaintiffs' Exhibit 472	Plaintiffs' Exhibit 641
Plaintiffs' Exhibit 130	Plaintiffs' Exhibit 473	Plaintiffs' Exhibit 642
Plaintiffs' Exhibit 132	Plaintiffs' Exhibit 479	Plaintiffs' Exhibit 643
Plaintiffs' Exhibit 136	Plaintiffs' Exhibit 481	Plaintiffs' Exhibit 645
Plaintiffs' Exhibit 137	Plaintiffs' Exhibit 486	Plaintiffs' Exhibit 646
Plaintiffs' Exhibit 143	Plaintiffs' Exhibit 488	Plaintiffs' Exhibit 647
Plaintiffs' Exhibit 146	Plaintiffs' Exhibit 490	Plaintiffs' Exhibit 648
Plaintiffs' Exhibit 147	Plaintiffs' Exhibit 491	Plaintiffs' Exhibit 649
Plaintiffs' Exhibit 148	Plaintiffs' Exhibit 493	Plaintiffs' Exhibit 650
Plaintiffs' Exhibit 149	Plaintiffs' Exhibit 494	Plaintiffs' Exhibit 651



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Plaintiffs' Exhibit 150	Plaintiffs' Exhibit 496	Plaintiffs' Exhibit 652
Plaintiffs' Exhibit 151	Plaintiffs' Exhibit 497	Plaintiffs' Exhibit 654
Plaintiffs' Exhibit 152	Plaintiffs' Exhibit 498	Plaintiffs' Exhibit 655
Plaintiffs' Exhibit 154	Plaintiffs' Exhibit 509	Plaintiffs' Exhibit 656
Plaintiffs' Exhibit 159	Plaintiffs' Exhibit 510	Plaintiffs' Exhibit 657
Plaintiffs' Exhibit 163	Plaintiffs' Exhibit 512	Plaintiffs' Exhibit 658
Plaintiffs' Exhibit 165	Plaintiffs' Exhibit 525	Plaintiffs' Exhibit 659
Plaintiffs' Exhibit 167	Plaintiffs' Exhibit 528	Plaintiffs' Exhibit 660
Plaintiffs' Exhibit 169	Plaintiffs' Exhibit 529	Plaintiffs' Exhibit 661
Plaintiffs' Exhibit 170	Plaintiffs' Exhibit 531	Plaintiffs' Exhibit 662
Plaintiffs' Exhibit 171	Plaintiffs' Exhibit 532	Plaintiffs' Exhibit 663
Plaintiffs' Exhibit 172	Plaintiffs' Exhibit 533	Plaintiffs' Exhibit 664
Plaintiffs' Exhibit 175	Plaintiffs' Exhibit 539	Plaintiffs' Exhibit 665
Plaintiffs' Exhibit 177	Plaintiffs' Exhibit 542	Plaintiffs' Exhibit 666
Plaintiffs' Exhibit 195	Plaintiffs' Exhibit 543	Plaintiffs' Exhibit 668
Plaintiffs' Exhibit 196	Plaintiffs' Exhibit 555	Plaintiffs' Exhibit 679
Plaintiffs' Exhibit 197	Plaintiffs' Exhibit 556	Plaintiffs' Exhibit 680
Plaintiffs' Exhibit 216	Plaintiffs' Exhibit 557	Plaintiffs' Exhibit 681
Plaintiffs' Exhibit 258	Plaintiffs' Exhibit 559	Plaintiffs' Exhibit 682
Plaintiffs' Exhibit 259	Plaintiffs' Exhibit 561	Plaintiffs' Exhibit 683
Plaintiffs' Exhibit 260	Plaintiffs' Exhibit 566	Plaintiffs' Exhibit 685
Plaintiffs' Exhibit 261	Plaintiffs' Exhibit 567	Plaintiffs' Exhibit 686
Plaintiffs' Exhibit 262	Plaintiffs' Exhibit 580	Plaintiffs' Exhibit 687
Plaintiffs' Exhibit 264	Plaintiffs' Exhibit 586	Plaintiffs' Exhibit 688